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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOSE MARTIN VIRAMONTES-GOMEZ,

10 Petitioner,

11 v.

12 KIRSTEN NIELSON, et al.,

13 Respondents.

Case No. C18-935-JLR-JPD

ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
CONSOLIDATE

14 This is a 28 U.S.C. § 2241 immigration habeas action. Petitioner has filed a motion to
15 consolidate this action with *Viramontes-Gomez v. ICE Field Office Director*, Case No. 18-941-
16 RAJ-BAT (W.D. Wash.), an essentially identical case. Dkt. 14. Petitioner asks to proceed with
17 Case No. 18-941-RAJ-BAT. *Id.* The Government agrees that the two cases should be
18 consolidated and asks the Court to consolidate this action with Case No. 18-941-RAJ-BAT and
19 to withdraw as moot the motion to dismiss filed in this action, Dkt. 9, because it is duplicative of
20 the earlier-filed motion to dismiss in Case No. 18-941-RAJ-BAT. Dkt. 15.

21 Although both parties ask the Court to consolidate the two cases and to proceed with
22 Case No. 18-941-RAJ-BAT, it is the Court's standard practice to consolidate cases into the case
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ORDER GRANTING IN PART AND
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1 that was filed first, which in this instance is this action, Case No. 18-935-JLR-JPD. Accordingly,
2 the Court finds and ORDERS:

3 (1) Petitioner's motion to consolidate, Dkt. 14, is GRANTED in part and DENIED in
4 part. The two cases shall be consolidated; however, they will be consolidated into the instant
5 case, not into Case No. 18-941-RAJ-BAT. The pleadings and motions filed in Case No. 18-941-
6 RAJ-BAT shall be deemed to have been filed in the instant action.

7 (2) The Government's motion to dismiss in this case, Dkt. 9, shall be WITHDRAWN
8 as moot. The Court will rule on the motion to dismiss that was filed in Case No. 18-941-RAJ-
9 BAT.

10 (3) The Clerk shall consolidate *Viramontes-Gomez v. ICE Field Office Director*, Case
11 No. 18-941-RAJ-BAT (W.D. Wash.), with the instant action.

12 (4) The parties shall make all future filings in this case.

13 (5) The parties shall have **14 days** in which to object to this Order.

14 (6) The Clerk is directed to send copies of this order to the parties and to the
15 Honorable James L. Robart.

16 Dated this 20th day of September, 2018.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge
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